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Rights of indigenous peoples: rights of indigenous peoples

Status of the United Nations Voluntary Fund for Indigenous Peoples

Report of the Secretary-General

Summary

The present report on the status of the United Nations Voluntary Fund for Indigenous Peoples is submitted in accordance with General Assembly resolution 40/131. It provides updated information on the activities and status of the Fund since the submission of the previous biennial report (A/71/228), including on the thirtieth and thirty-first annual sessions of the Board of Trustees, held in 2017 and 2018, respectively. It also provides information on the activities related to the expansion of the mandate of the Fund enabling the participation of indigenous peoples in sessions of human rights treaty bodies and of the Human Rights Council, including the universal periodic review mechanism, as well as the Expert Mechanism on the Rights of Indigenous Peoples.

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I. Mandate of the United Nations Voluntary Fund for Indigenous Peoples

1. The initial mandate of the United Nations Voluntary Fund for Indigenous Peoples, established pursuant to General Assembly resolution 40/131, was to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations (NGOs) and other private or public entities.

2. Over the past 33 years, the mandate of the Fund has been expanded seven times, giving the opportunity to indigenous communities and organizations to participate in the deliberations and decision-making of other relevant United Nations human rights mechanisms and to contribute to important developments on indigenous issues that take place at the international level.

3. This notably included supporting the participation of representatives of indigenous communities and organizations in the deliberations as of 1995 of the open-ended intersessional working group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples (General Assembly resolution 50/156); the open-ended intersessional ad hoc working group to elaborate and consider proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system (Commission on Human Rights resolution 1998/20, endorsed by the Economic and Social Council in its decision 1998/247); the sessions of the Permanent Forum on Indigenous Issues (Assembly resolution 56/140); the Expert Mechanism on the Rights of Indigenous Peoples (Assembly resolution 63/161); the human rights treaty bodies (Assembly resolution 65/198); the World Conference on Indigenous Peoples, in 2014, and the preparatory process for the Conference (Assembly resolution 66/296); and the consultation process on the procedural and institutional steps to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (Assembly resolution 70/232).

4. The General Assembly, in its resolution 68/149, changed the name of the Fund from "United Nations Voluntary Fund for Indigenous Populations" to "United Nations Voluntary Fund for Indigenous Peoples". This symbolic but highly significant move better reflects the status and rights of those who benefit from the work of the Fund.

II. Administration of the Fund and composition of the Board of Trustees

5. Pursuant to General Assembly resolution 40/131, the Fund is administered by the Secretary-General, in accordance with the relevant financial rules and regulations of the United Nations on general trust funds for humanitarian assistance, and with the advice of a board of trustees. The recommendations of the Board are approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. The Office of the United Nations High Commissioner for Human Rights (OHCHR) acts as the secretariat of the Fund and the Board.

6. The Board is composed of five persons with relevant experience on issues affecting indigenous peoples, who serve in their personal capacities as United Nations experts. The Board members are appointed by the Secretary-General for three-year renewable terms.

7. The current Board members appointed by the Secretary-General for a second term during the period from 1 January 2017 to 31 December 2019 are Claire Charters (New Zealand), Myrna Cunningham (Nicaragua), Binota Dhamai (Bangladesh) and Anne Nuorgam (Finland). As at 1 January 2018, Diel Mochire (Democratic Republic of the Congo) was newly appointed for a first three-year term.

III. Grant cycle

A. Meetings of the Board

8. The Board has adapted its working methods in order to respond to the new challenges arising from the expansion of the mandate of the Fund to the sessions of treaty bodies and the Human Rights Council. To this end, in addition to its annual sessions, the Board has established a system of intersessional meetings organized by email to decide on the allocation of grants to indigenous peoples' organizations and communities that wish to participate in sessions of the Council, including the universal periodic review mechanism, and the human rights treaty bodies. Intersessional meetings are usually held in May, August and November of each calendar year.

B. Admissibility and selection of beneficiaries

9. The criteria for the selection of beneficiaries have been established by the General Assembly, as well as by the Secretary-General upon the recommendation of the Board. These also include additional criteria for the selection of beneficiaries attending the sessions of the Human Rights Council, including the universal periodic review mechanism, and the human rights treaty bodies, taking into account the specific accreditation and attendance rules that apply to the work of those United Nations bodies and mechanisms.

10. During the selection process, the members of the Board seek to ensure geographical, gender and age balance and pay special attention to indigenous persons with disabilities. At the sessions of the Permanent Forum and the Expert Mechanism, priority is also given to underrepresented regions. Decisions are taken on the basis of the level of available contributions. Where possible, the Board recommends at least one indigenous representative with a disability.

11. The secretariat reviews the recommendations of the Board for consistency with relevant United Nations administrative and financial rules and regulations. The High Commissioner approves, on behalf of the Secretary-General, the recommendations made at the annual session of the Board.

12. Approved participation grants include a round-trip air ticket in economy class from the beneficiary's home town to Geneva or New York and a daily subsistence allowance for the days of the session, which is paid upon arrival in Geneva or New York.

13. As at 1 January 2018, indigenous persons who are interested in receiving assistance from the Fund also have the possibility to apply online. The online application system has been developed based on a system that is already being used by the two humanitarian funds managed by OHCHR.

C. Monitoring and evaluation of grants

14. The attendance and contributions of the beneficiaries of the Fund are closely monitored. The secretariat of the Fund provides guidance and support to beneficiaries and maintains a daily attendance sheet of the grantees. As part of their reporting obligations, beneficiaries are requested to provide copies of their statements and complete questionnaires on their participation and follow-up activities upon return to their respective home countries.

15. At its annual session, the Board reviews the status of all participation grants allocated in previous years, as well as the reports containing the secretariat's analysis of the questionnaires submitted by the beneficiaries on their participation and follow-up activities. The Board does not consider applications from indigenous peoples' representatives and their nominating organizations that have been beneficiaries of the Fund and failed to submit their evaluation questionnaires within the previous three years.

16. The Board and the secretariat of the Fund each send a representative to the annual sessions of the Permanent Forum and the Expert Mechanism to meet and provide support to all beneficiaries present, including by contributing to their training, and to assess the impact of their participation on the deliberations at the sessions.

IV. Thirtieth and thirty-first annual sessions of the Board

17. The Board held its thirtieth and thirty-first annual sessions from 23 to 27 January 2017 and from 29 January to 2 February 2018, respectively.

18. At those sessions, the Board reviewed the implementation of the recommendations adopted at its previous sessions and examined information prepared by the secretariat, in particular relating to previous allocations of grants, policy issues, capacity-building of indigenous peoples, fundraising efforts and the financial situation of the Fund, including contributions received or pledges made. It decided to allocate grants to indigenous representatives wishing to participate in sessions of the Permanent Forum, as well as the interactive hearings on the margins of its seventeenth session; the Expert Mechanism; the Human Rights Council and its universal periodic review mechanism; and the country reviews by human rights treaty bodies.

19. In addition, the Board met representatives of Member States during two donor meetings that were organized during the thirtieth and thirty-first annual sessions. Board members expressed their gratitude to the donor States for their generous contributions to the Fund (see para. 42), highlighting the impact that the Fund had on beneficiaries and their communities, and appealed for increasing support from Governments and other donors.

20. The recommendations made by the Board during the two annual sessions, as well as during the intersessional virtual meetings, were approved on 23 February 2017 and on 16 February 2018 by the High Commissioner on behalf of the Secretary-General.

A. Recommendations for grants at the thirtieth session of the Board

21. During its thirtieth annual session, in 2017, the Board considered more than 460 admissible applications. Having examined the applications in the light of the selection criteria, the Board recommended the following for approval by the Secretary-General: 24 grants for representatives of indigenous communities and organizations to attend the sixteenth session of the Permanent Forum; 20 grants for attendance at the tenth

session of the Expert Mechanism; and 8 grants for attendance at the thirty-fifth session of the Human Rights Council, the twenty-seventh session of the Working Group on the Universal Periodic Review, the sixty-first session of the Committee on Economic, Social and Cultural Rights and the sixtieth session of the Committee against Torture.

22. Furthermore, the Board set aside a budget to enable the attendance of representatives of indigenous communities and organizations at the sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and the treaty bodies scheduled from June 2017 to March 2018. Three intersessional meetings were held in April, August and November 2017, during which the Board decided to allocate 30 grants as follows: 2 grants for the eighth session of the Committee on the Rights of Persons with Disabilities; 3 grants for the twenty-seventh session of the Working Group on the Universal Periodic Review; 4 grants for the thirty-sixth session of the Human Rights Council; 2 grants for the sixty-second session of the Committee against Torture; 2 grants for the sixty-second session of the Committee on Economic, Social and Cultural Rights; 5 grants for the sixty-sixth, sixty-seventh, sixty-eighth and seventieth sessions of the Committee on the Elimination of Discrimination against Women; 1 grant for the seventy-sixth session of the Committee on the Rights of the Child; 9 grants for the ninety-second, ninety-third and ninety-fourth sessions of the Committee on the Elimination of Racial Discrimination; and 2 grants for the 119th and 121st sessions of the Human Rights Committee.

23. Lastly, the Board also allocated 15 grants to enable the attendance of representatives of indigenous communities and organizations at the General Assembly consultation process, aiming to enhance the participation of indigenous peoples' representatives in United Nations meetings on issues affecting them.

B. Recommendations for grants at the thirty-first session of the Board

24. During its thirty-first annual session, in 2018, the Board considered more than 274 admissible applications. A total of 37 grants were allocated to support the participation of representatives of indigenous peoples' organizations and communities at the seventeenth session of the Permanent Forum; 30 grants for attendance at the eleventh session of the Expert Mechanism; and 7 grants for attendance at the thirtieth session of the Working Group on the Universal Periodic Review, the ninety-fifth session of the Committee on the Elimination of Racial Discrimination and the sixty-first session of the Committee on Economic, Social and Cultural Rights.

25. Pursuant to General Assembly resolution 71/321, which is aimed at enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, the Board further allocated 14 grants for representatives of indigenous communities and organizations to attend the interactive hearings on the margins of the seventeenth session of the Permanent Forum.

26. In view of the ever-growing demand for participation in meetings of the United Nations human rights mechanisms, and considering the positive impact that such participation has on references made to indigenous peoples' rights in international jurisprudence, the Board recommended setting aside a budget to allocate 33 grants to cover sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and the treaty bodies being held from July 2018 to March 2019. During the intersessional meeting in March, the Board decided to allocate 13 grants as follows: 4 grants for the thirtieth session of the Working Group on the Universal Periodic Review; 6 grants for the sixty-third session of the Committee on Economic, Social and Cultural Rights; and 3 grants for the ninety-fifth session of the Committee on the Elimination of Racial Discrimination.

V. Recommendation adopted by the Board

A. Travel arrangements

27. The Board asked the secretariat to look into the issue of travel insurance for grantees, as this was not currently provided.

28. The Board suggested finding solutions with the United Nations travel agency in Geneva regarding the current lack of agreement with the airlines operating between Greenland and Denmark. That way, grantees would not have to purchase flight tickets out of pocket before being reimbursed, which constituted a significant financial burden for grantees from Greenland.

29. The Board reiterated that, while its members would continue to voluntarily forego using their entitlement to fly in business class in favour of premium economy class, members were allowed to opt for a flight of equivalent value in any class other than premium economy, up to the value of the most economical and direct premium economy flight provided pursuant to the United Nations travel rules. In addition, the Board stressed that the purchase by members of and reimbursements for flights of up to the value of the least expensive/most direct flight with prior authorization should be facilitated.

B. Fundraising activities

30. During its thirty-first annual meeting, as in previous years, the Board met a representative of the Donor and External Relations Section at OHCHR. It requested more details on the due diligence process that would need to be followed if the Fund were to take donations from business corporations. Consequently, the Board decided to send letters of appeal to donors and potential donors and asked the secretariat of the Fund to draft a letter addressing specifically two new categories of donors: private individuals who were seen as potential donors owing to their previous public involvement in causes related to indigenous peoples, and business corporations.

31. The Board recommended that the secretariat collect more individual stories showcasing the impact of the Fund, both at influencing the outcomes of the work of United Nations human rights mechanisms and at building the capacity of indigenous leaders and human rights defenders. In addition, it recommended that the secretariat present more detailed data on the activities of the Fund, including the exact number of grants assigned and beneficiaries supported since it was created, and infographics to easily share the data with donors and potential donors.

32. With the objective of broadening the Fund's donor base, a small amount of funding had been included in the cost plan for 2018 for Board members' travel for fundraising purposes. The Board also agreed to include former grantees in bilateral meetings with potential donors in order to provide first-hand testimony of the Fund's work and impact.

C. Capacity-building and training

33. The Board has repeatedly stressed the role of the Fund not only as a source of participation grants, but also as a mechanism to build the expertise of indigenous beneficiaries, thus making them truly effective participants in United Nations human rights mechanisms. In that regard, the Board members continued to emphasize the need to increase efforts to build the capacity of indigenous representatives by offering orientation, guidance and training for the beneficiaries of the Fund.

34. The Board noted that it would like to continue its efforts to build the capacity of the grantees of the Fund through partnerships with specialized organizations and institutions. The Board members and the Fund's secretariat (OHCHR) would continue to take the lead on the substantive aspects of the training during sessions of the Expert Mechanism and the Permanent Forum.

35. During its two annual sessions, the Board welcomed the cooperation established on an ad hoc basis with non-governmental human rights-based organizations in Geneva (in particular, UPR Info; the International Movement against All Forms of Discrimination and Racism; Franciscans International; the Indigenous Peoples' Centre for Documentation, Research and Information; and the Conference of NGOs in Consultative Relationship with the United Nations). The Board commended them on the support that they provided to the grantees of the Fund in targeting their advocacy, making constructive and tailored interventions and helping to contribute to the implementation of the recommendations made by United Nations human rights mechanisms on country situations.

36. The Board recognized the benefit of online learning tools to increase the capacity of beneficiaries. As the biggest gap in engagements was noticed in the engagement of potential beneficiaries with the Expert Mechanism and the Permanent Forum, the Board agreed to consider developing online e-tools for those platforms. For this, the Board recommended that inspiration be sought in the existing tools within OHCHR and other stakeholders.

D. Information sharing and collaboration with other human rights mechanisms

37. During its two annual sessions, the Board recommended that either the Chair or another member of the Board continue to represent the Board at sessions of the Permanent Forum and the Expert Mechanism, attend the sessions of the Human Rights Council at which indigenous peoples' issues were considered and give an update on the implementation of the mandate of the Fund.

38. The Board welcomed the constant collaborative efforts made by the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum and the Expert Mechanism to appeal to States and other interested parties to contribute financially to support the work of the Fund, as well as to help to disseminate information on the activities of the Fund to their respective indigenous networks.

39. It also stressed the importance of the practice, established by the Special Rapporteur on the rights of indigenous peoples, of holding meetings with the beneficiaries of the Fund in parallel to the sessions of the Expert Mechanism and the Permanent Forum.

E. Other decisions or suggestions

40. The Board further recommended holding its annual session in early December instead of January, in order to initiate the process of selecting grantees and arranging related logistics at an earlier stage. It was felt that that would reduce the pressure within the current time frame. The thirty-second annual session will thus be held from 3 to 7 December 2018.

VI. Financial status of the Fund and contributions received

41. The Fund is funded by means of voluntary contributions from Governments, NGOs and other private or public entities. The Board can allocate participation grants on the basis of the contributions paid and duly registered by the United Nations Treasurer, as well as any balance remaining from previous years, as established by the United Nations Office at Geneva.

42. The table below indicates the contributions received from States for the period from January 2016 to June 2018. The total amount is $1,120,933.72, which represents a decrease from the previous reporting period (from January 2014 to June 2016, the total amount of contributions received was $1,364,179).

Contributions received from States (1 January 2016–1 June 2018)

(United States dollars)

Contributor	*Amount*	*Year of receipt*
Argentina	10 000	2016
	5 000	2018
Australia	115 271	2016
	114 665.36	2017
Chile	5 000	2016
	7 500	2017
Denmark	81 077[a]	2018
Estonia	21 231	2016
	23 696.68	2017
Finland	55 310	2016
	56 882.82	2017
	60 386	2018
Germany	55 991.04	2017
Mexico	15 946	2016
Norway	166 722	2016
	264 800.62	2017
Peru	3 973	2016
	4 006.07	2017
Spain	16 722	2016
	22 753.13	2017
Turkey	10 000	2017
Holy See	2 000	2016
	2 000	2018
Total	**1 120 933.72**	

[a] Pledge announced to OHCHR on 11 April 2018 (commitment letter outstanding).

43. Governments, NGOs and other private or public entities are encouraged to contribute to the Fund. Information on how to contribute can be obtained from the secretariat at: United Nations Voluntary Fund for Indigenous Peoples, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland, or by email: indigenousfunds@ohchr.org.

VII. Conclusions and recommendations

44. The year 2016 marked the beginning of the fourth decade of work of the Fund. By continuing to support the participation of indigenous representatives in major decision-making processes within the United Nations, the Fund indirectly contributes to the development of international human rights standards and jurisprudence for the protection and promotion of indigenous peoples' rights.

45. Since 1985, the Fund has supported the participation and given a voice to more than 2,000 indigenous representatives from all regions and communities of the United Nations. This active participation at the United Nations in key decision-making processes by indigenous rights holders has had an acknowledged positive impact for the recognition of their human rights, including through diverse landmark decisions, such as the establishment of the Permanent Forum (2000), the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (2007), the creation of the Expert Mechanism (2007) and the holding of the World Conference on Indigenous Peoples (2014). Therefore, the Fund is considered a global enabler for the protection of indigenous rights worldwide.

46. The number of requests from indigenous peoples to participate in the sessions of the Permanent Forum, the Expert Mechanism and the Human Rights Council and its universal periodic review mechanism, as well as the human rights treaty bodies, has significantly increased over the past decade. However, the funding base of the Fund has not yet increased proportionally.

47. Without robust, predictable and sustainable contributions to the Fund, the Board will face difficulties carrying out its mandate and responding to the ever-growing demands. After assessing the current financial needs of the Fund, the Board has concluded that, for the Fund to operate satisfactorily, it needs a minimum of $1 million in contributions in 2018. Even that amount would only partially cover the requests for funding that it currently receives.

48. To be able to expand its support to indigenous peoples, it would be imperative that the Fund receive more funds from Governments and other donors.

49. The Board has continued to closely coordinate its work with other United Nations mechanisms promoting the rights of indigenous peoples, especially with the Permanent Forum, the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples. It aims to reinforce its cooperation with these United Nations mechanisms to consolidate the United Nations architecture in this area and ensure a coherent and strengthened approach to enhancing the rights of indigenous peoples worldwide.

50. In the light of the above, all States and other potential donors are strongly encouraged to consider contributing to the work of the Fund so that it can continue to ensure strong support for the participation of indigenous peoples in international processes and decisions that have a direct impact on their lives.